

SINGAPORE’S INTERVENTION ON AGENDA ITEM 7: MARINE GENETIC RESOURCES, INCLUDING QUESTIONS ON THE SHARING OF BENEFITS, AT THE FIRST SESSION OF THE INTERGOVERNMENTAL CONFERENCE ON AN INTERNATIONAL LEGALLY BINDING INSTRUMENT UNDER THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA ON THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY OF AREAS BEYOND NATIONAL JURISDICTION, 12 SEPTEMBER 2018

On the regulation of access to MGRs in ABNJ, we agree with the need for liberal access to MGRs for marine scientific research. With respect to access for the purpose of bioprospecting, the issue needs a clearer understanding and elaboration of what bioprospecting entails. Accordingly, what terms and conditions should be imposed for this access requires further consideration linked to the scope of bioprospecting itself. We do note that the issue has been raised as to whether it is meaningful to draw distinctions between bioprospecting and MSR, as flagged by the African Group. We will reflect further on the African Group’s proposal for the Obligatory Prior Electronic Notification (“OPEN”) on obligatory reporting.

As regards the questions raised under sections 3.2.2(iv), whether the instrument would include provisions setting out benefits that might accrue at different stages. We should prioritise the development of regime for sharing of non-monetary benefits ahead of sharing of monetary benefits. This takes into account the reality that there are different time horizons for the accrual of these two types of benefits.

On section 3.2.3 (IPRs), including issues such as the disclosure of origin requirements in patent applications. In looking at this issue, we need to respect the fact that there is another intergovernmental conference working on an instrument for the protection of genetic resources, traditional knowledge and folklore under the auspices of WIPO covering essentially the same ground. While there have been proposals made in that forum to exclude from the scope of those IGC discussions relating to MGRs in ABNJ, there is no consensus on such exclusion. This is a matter which should be the subject of holistic treatment of IPRs under the auspices of WIPO.